The Honorable John C. Coughenour 1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 WESTERN DISTRICT OF WASHINGTON AT SEATTLE 10 GLEN SCOTT MILNER 11 Plaintiff, No. CV-06-1301- JCC 12 v. NOTICE OF RESOLUTION OF CASE, 13 UNITED STATES DEPARTMENT OF THE AND AGREED MOTION TO ESTABLISH NAVY, BRIEFING SCHEDULE ON OUESTION 14 OF PLAINTIFF'S ENTITLEMENT TO Defendant. 15 ATTORNEYS FEES AND EXPENSES Noted: July 13, 2012 16 17 18 Plaintiff Glen Scott Milner ("Milner") and Defendant United States Department of the 19 Navy ("Navy"), through their undersigned counsel, hereby notify the Court that the underlying 20 dispute in this case has been resolved. This case concerns a request by Milner under the 21 Freedom of Information Act ("FOIA") for Explosive Safety Quantity Distance ("ESQD") 22 records prepared for Naval Magazine Indian Island in the Puget Sound. Milner has decided to 23 withdraw his FOIA request after receipt of a document package prepared by the Navy in the 24 context of administrative proceedings pursuant to 10 U.S.C. § 130e(a). 25 The only remaining issue between the parties is the question of Milner's entitlement to 26 reasonable attorneys fees and expenses pursuant to 5 U.S.C. § 552(a)(4)(E). To that end, the 27 parties respectfully request this Court enter an Order establishing the following schedule: 28

1] 1. U	Jpon the entry of the Order contemplated by this Motion, Milner will provide the
2	Navy with all documentation it requires to support Milner's claim for attorneys fees and	
3	expenses; and the parties will begin to work together to resolve the issue of Milner's entitlement	
4	to reasonable fees and expenses pursuant to 5 U.S.C. § 552(a)(4)(E), as well as the extent of any	
5	such claim.	
6	2. (On September 21, 2012, in the event the parties are unable to resolve their dispute, the
7	Navy shall serve on Milner an Offer of Judgment pursuant to Fed. R. Civ. P. 68 and Milner shall	
8	respond to such offer within seven days.	
9	3. I	n the event Milner declines the Navy's Offer of Judgment, he shall file with the Court
10	his Application for an Award of Attorneys Fees pursuant to 5 U.S.C. § 552(a)(4)(E) on	
11	October12, 2012.	
12	4. 7	The Navy shall file its Response to Milner's Application on November 9, 2012.
13	5. N	Milner shall file his Reply to the Navy's Response on November 23, 2012.
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15		Respectfully submitted,
16	DATED: Ji	ıly 13, 2012
17		By: <u>s /Peter A. Winn</u>
18		PETER A. WINN Assistant United States Attorney
19		Attorney for Defendant
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21	DATED: Jւ	ıly 13, 2012.
22		By: <u>s /David S. Mann</u> DAVID S. MANN
23		GENDLER & MANN, LLP Attorney for Plaintiff
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